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671 Ordinance of 1931.[1] Both terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

• 692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. From the time when I first visited Nuerland it was the agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to provide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

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[1] '7 (1). A Chief's Court shall administer—
(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

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their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law.

It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', greeted as an intimate by men and women of all ages, praised, but often severely criticised, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come.

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for

8;Stowell E, G-5 (1942-1964)1954
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Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains.

Legal Procedure and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement.

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuaar muon* or *kuac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make

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the attempt to intervene. Similarly local disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decision of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 164–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gaawar, Lak, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

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on the part of the Administration to find an indigenous foundation on which to graft a system of indirect rule in which authority must be vested in political and legal agents, it may be that their estimate of the powers of the Leopard-Skin Chief is exaggerated. The Leopard-Skin Chief in the early days of administration often acquired political authority because he was chosen to represent the Government. There appears to me to be little or no evidence that Leopard-Skin Chiefs had political authority in the past except in so far as they were the centre of prevailing political cohesion. If a man chose to ignore a ruling given by the chief, he could do so with impunity; but if public opinion was behind the chief's decision, he might lose the privileges which membership of his group gave him. He could always move elsewhere. It is the sanctions which normally operate for the settlement of disputes which are embodied and find expression in the person of the chief, and not a legal sanction derived from his status. Some personalities attempted to further political cohesion within the group, and this was expected of them, but their success depended on the degree of cohesion already existing or the force of sanctions normally making for cohesion. Hence the Leopard-Skin Chief's status and effectiveness are both the expression and the inspiration of collective aims.

Professor Evans-Pritchard writes:

> In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise . . . he has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities. Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.[1]

In the Zeraf tribes the Leopard-Skin Chief usually had powerful kinsmen, and in the majority of tribal segments Leopard-Skin families were represented in the dominant lineage. In Gaawar, the family of Kerfeil, for example, in Lak in the lineage of Winyang, and in Thiang in the lineage of Toi Thiep, who have always provided leadership in those areas, are Leopard-Skin Chiefs. Moreover, certain personalities often had the backing of a populous community in the sense that political cohesion was sufficient to ensure composition of quarrels and disputes within it. This leads us to the subject of leadership in Nuer society in more general terms.

There is no verb in the Nuer language meaning 'to order', and the

[1] Evans-Pritchard, op. cit., pp. 174-5.

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In Central Nuer District, at any rate, election of Court Presidents and lower chiefs[1] has been carried out with the minimum of interference, and the considerations which govern the choice are significant. There is often a tendency to hide the person most closely associated with the men of the dominant lineage, for the Nuer feel that, in the somewhat precarious position of a chief *vis-à-vis* the Government, that men may somehow be impaired. This is a religious concept, for the leading man in any lineage is considered to have inherent in him something of the spiritual qualities associated with the ancestral spirits of the kinship group. There is also always a tendency to defer to the supposed wishes of the District Commissioner. This does not necessarily mean that Nuer choose a man known to be popular with the Administration, but rather a man capable of maintaining an even and unirksome balance between the Administration and themselves. In fact, they seek someone who can give the appearance of exceptional zeal while protecting them as far as possible from the more laborious tasks imposed on them by Government. For this reason too there is sometimes a tendency to choose a man of weak character; but on the whole a strong man is chosen because, even if considered tiresome and over-zealous, he will somehow persuade them to perform those tasks, for they know well enough that the performance will in the end be less painful than the punishment imposed for the avoidance of public duties. Since there is often rivalry between opposing segments or lineages, there is finally a tendency to choose from a source which will be neutral in such rivalries, usually from the dominant lineage because this is one of the functions of the dominant lineage in the political structure.

The hierarchy of administrative agents is now largely drawn from dominant lineages, in the case of the tribe from the dominant lineage of that tribe, and so on down the segmentary scale. There are minor differences in the system to be found in the different districts, though the formation of the Nuer Council has tended to standardize Government policy in this respect. In each tribal area, or in some cases in a primary tribal segment, a court is established which is not only a legal institution through which legal disputes are settled and which has recognized forms of legal procedure, but is also an administrative organ through which administrative functions are carried out. In each court there is a president, called by the Nuer *kuaar* 'Book',[2] a number of chiefs representing the larger tribal segments,[3] called in Nuer *kuaar lamu*,[4]

[1] Technically such chiefs and members are appointed by the Governor of the Province or, in the case of Special (C) Courts, by the Governor with the consent of the Governor-General. Therefore I do not mean anything in the nature of a formal election, but public opinion is consulted.

[2] 'Chief of the book' in reference to the court register held by the president.

[3] Secondary or tertiary tribal segments.

[4] *Lamu* refers to the sash given by the Government as a badge of office. From the Arabic *alama*—sash or badge.

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and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to prevent raids on the Dinka, and to collect taxes in the form of cattle, efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

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showed little sign of improvement. The decision continued to lie with the District Commissioner, and there was a tendency to avoid any legal procedure in order to approach him direct; for this was the surest and speediest way to get justice, whether it was justice according to the principles of Nuer law or not.

This tendency was formally recognized as retrogressive in 1940, and administrative policy was changed accordingly. Thereafter the policy has been for the District Commissioner to divorce himself as far as possible from any real participation in the administration of tribal law. Further, there is now a more formalized system of appeal courts in which the judgement of a local court, based on a tribal section, can be tested in an appeal court consisting of members from other localities less likely to be biased by local considerations. In these the District Commissioner will serve as clerk to the court, for the Nuer still demand at least the presence of the District Commissioner, who remains a symbol of impartiality and whose presence may be a guarantee for prompt execution.

Courts and Tribal Structure

Although the general policy of the Sudan Government is to build up a system of courts based on territorial groupings rather than on kinship and tribal affiliation, Nuer courts in fact still closely correspond to the traditional divisions of tribal structure. Despite minor modifications, the court system throughout Nuerland is still largely tribal in basis.

Similarly, the court members are representatives of tribal segments. The *kuaar kuma* represent primary or secondary segments according to the circumstances. The Awet court, for example, has six *kuaar kuma*, each representing one of the six secondary segments of the Bar primary segment of Gaawar. The Jagei (area) court has one chief for each of the four primary segments of the Jagei tribe. A section chief, a *kuaar kuma*, represents a secondary segment, and under him are a number of headmen, *gaat tutni*, who represent tertiary segments or lineages, of which there are a great number.

The way in which these courts operate, the legal procedures followed, and the effect that the very existence of such courts has had on Nuer society in general is discussed more fully in later chapters. It is now necessary to examine the principles of the law administered in these courts. The legality of social institutions and relationships is maintained by the system of cattle exchange between one individual and another or between one group and another. In marital relationships, for example, the transfer of bridewealth cattle is the material symbol of the transfer of rights which in their turn create reciprocal rights. The transfer of cattle is the means by which equilibrium is maintained.

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Modern Procedure

Cases of individual homicide are nowadays often tried by a Major Court[1] convened under the Code of Criminal Procedure of the country. This always applies in cases of *murder*, since murder is not triable by Chiefs' Courts.[2] The slayer is tried under the Penal Code for murder or, if the act is qualified by one of the five mitigating circumstances laid down, for culpable homicide not amounting to murder.[3] These circumstances can be reasonably adapted to Nuer standards, and the implications are well understood, since murder is *biew*, though even here 'grave and sudden provocation', one of the mitigating circumstances, might still apply in circumstances which the Nuer classify as *biew*. All other forms of homicide are simply *nak*. In the case of a murder for which sentence of death is passed and executed, compensation (*dhang*) is naturally not paid, although the kinsmen of the murdered man often demand it. The State has assumed the role of the avenging kinsmen. Where the sentence is commuted to life imprisonment, the indemnity is usually paid.

The more straightforward forms of killing, which take place in collective hostilities, in brawls when the feelings of the participants are roused to extremes of passion, or in sudden unpremeditated quarrels, usually fall within the mitigating circumstances and, as culpable homicide not amounting to murder, may, with the permission of the District Commissioner, be tried by Chiefs' Courts.[4] There are naturally occasions when an act of homicide quickly leads to extensive hostilities and the chiefs appointed by the Government are either unwilling or afraid to intervene and restrain their fellows. In such circumstances the intervention of State police armed with rifles is sometimes necessary. Normally, especially in the more advanced parts of Nuerland—for the effectiveness of Nuer courts is not everywhere the same—the chiefs, their headmen, and tribal police quickly regain control. It is rare that a killer attempts to conceal his guilt, even if in the heat of the battle there are no witnesses, and he will usually give himself up to the nearest authority after performing the necessary purificatory ritual with a Leopard-Skin Chief. Other persons involved are put under arrest, and in most cases a number of cattle are seized, often from both parties and in excess of the number which will later be required as compensation. These are held as surety. A meeting of the court is quickly called, and the relative guilt of the parties is determined. Sentences of imprisonment, sometimes up to the maximum powers granted by law, are imposed on the killer or killers, and

[1] Consisting of a Magistrate of the First Class and two lesser Magistrates. Some Nuer chiefs are Magistrates of the Third Class for the purpose of sitting on Major Courts.

[2] Chiefs' Courts Ordinance.

[3] Sudan Penal Code, Section 249. [4] Chiefs' Courts Ordinance, 1931.

Stillwell E.G-S (1942-1944) p.154
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CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

Nuer courts come into operation only when a recognized wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognized rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all.

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer.

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671 In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict.[1]

When this statement is applied to the past, no criticism can be made. So far as it is now possible to discover what happened in those days, we may safely say that arbitration only occurred when it was expedient for both parties to submit to it. We may also conclude that the conventional compensations referred to were in the nature of a formula for compromise. A start in the negotiations had to be made with reference to some scale, especially when the disputants were under the stress of heated emotions, but although such scales have a traditional consistency, there was no constancy or rigidity of application. 692 Finally we may say that there was no mechanism for enforcement should either party refuse to continue negotiations at any stage of the proceedings.

178 Professor Evans-Pritchard goes on to say:

The recent introduction of Government courts, before which disputes are now sometimes settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.[2]

This was written of the Lou Nuer as they were some twenty years ago, and the rapidity with which Government tribunals have developed since then is considerable. If it is argued that these tribunals are now applying the law beyond the limits of reality in the past, this statement is entirely true. If it is argued that the courts are administering a system of law which has no foundation in tradition at all, the statement is less true, though it is manifest that there are many innovations which are the result of an evolution of case law based on precedents, some of which are the natural development of Nuer ideas, some of which are due to the direct intervention of the Government. Rules of behaviour administered in the courts are none the less law, provided they are administered consistently on recognized principles and are enforced.

681 We have considered almost all those aspects of Nuer life which are subjects of discussion and dispute in the courts today: homicide and bodily injury; marital relationships, rights, and obligations; divorce and dissolution of marriages; the legitimacy of children; violation of rights in women; the infringement of grazing and fishing rights; theft and the misappropriation of property; witchcraft and other nefarious practices. In the past the sanctions for conformity with rules of conduct and for the composition of wrongs, if a breach of those rules

[1] Evans-Pritchard, *The Nuer*, p. 162. [2] Ibid.

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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be attested by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuoke*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the home'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuoke* in such circumstances and that the husband is in the right: *teke cuong*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *yang ric*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognized. If questioned the Nuer would undoubtedly say that the age-mate has a right (*cuong*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

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changing very rapidly, so that this distinction in time is clearly essential. We have seen that most social obligations and systems of social control were maintained in the past by sanctions which made conformity essential or at least expedient. Such sanctions were operative upon individuals or groups and their force was variable according to the position in the social structure of the parties concerned. Theoretically at least, the law was the same but its application was relative. For the most part the establishment of Nuer tribunals, with the threat of force behind them, has provided a substitute for other means by which the political balance was maintained.

In the initial stages of administration the policy was to intervene only in those affairs which constituted a breach of the peace: affray, continued blood-feuds, or individual fights. This action was to modify or even remove the retaliatory sanction. The next stage was to intervene in matters which were likely to lead to a breach of the peace, and to see that disputes were peaceably settled. Both actions took the form of direct intervention by the District Commissioner, his decisions being enforced, as far as was then possible, by State police. The next stage was the appointment of tribal agents. This led to the establishment of Nuer courts whose authority was backed in the first instance by the tribal retainers or 'Chiefs' police', some of whom were armed with an outmoded pattern of rifle, but was upheld in the final instance by the District Commissioner. Since then Nuer courts have gradually developed in efficiency, power, and formality of procedure, until in some areas they may be said to compare favourably with similar courts in the more developed parts of the Northern Sudan.

This raises another important point which is relevant to a study of Nuer law. The courts are not equally effective or efficient in all parts of Nuerland. The extent to which past sanctions have already changed, and the rapidity with which they are changing now, are therefore not constant. For example, the difference between such tribes as the Lak and the Nuong is considerable. The Lak of Central Nuer District, whose country is close to the administrative headquarters of the province and the district centre at Fangak, who are easily accessible at all times of the year, and whose permanent settlements are concentrated, have been closely administered for the past twenty years or more. The courts have reached, comparatively speaking, a high level of efficiency, and a man can usually obtain redress for wrongs committed against him. The Nuong, whose country lies in the southern extremity of Western Nuer District, which as a whole has perhaps been less closely administered than Central Nuer District, are not easily accessible at any time of the year. There are no roads leading to their permanent settlements and only one moderately easy approach to their country by river. At most they have received the personal attention of a District Commissioner for a few weeks each year. The courts,

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established it is true for many years, can scarcely be described as efficient and, unless other considerations are present or other opportunities arise,[1] a man can only obtain redress with difficulty.

I do not propose to digress further on this particular aspect of the changing political situation in Nuerland, but must draw attention to these facts because generalizations about the law as it is administered today are qualified accordingly. We can say, for example, that in Lak country a Nuer will almost certainly obtain compensation for an act of adultery committed with his wife and in that area there can be few adulterers who escape the penalty, but this statement would not be true of Nuong. In Nuong country the courts may be instrumental in bringing a similar dispute to a satisfactory conclusion or they may not. If a dispute is not settled by the intervention of Government-sponsored authorities, then the likelihood of the indemnity being paid to the wronged husband depends largely on sanctions similar to those operative in the past. It is true to say that in those areas where the courts are least effective these sanctions are proportionately stronger, mainly because there is in consequence less public security, and retaliation, the strongest sanction of all, is for this reason much more likely. It would be unsafe to make further generalizations because the likelihood of a dispute being settled, even in these days and even in the most advanced areas, still depends on so many variable and unpredictable circumstances.

Modern Procedure

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Where courts are concerned we must distinguish between judgement and execution. It is one thing for a court to give judgement and quite another for the judgement to be carried out. Many cases which appear before the courts and appeal courts are no more than demands for execution of a previous judgement. It must be presumed that, if a dispute reaches this stage of legal procedure, it is unlikely that other sanctions unconnected with the court will be effective in bringing about execution once judgement is given. Yet in many cases the main function of the court is to establish publicly and to the satisfaction of both disputants that one of them is in the right. In the past it may have been fully recognized within a community that a man had a definite right to certain cattle, either in fulfilment of some obligation, in settlement of a debt, or as compensation for an injury. There was, however, no organized body representing public opinion to enforce payment. It is true to say that such a body now exists in the court itself and in the administrative agents with executive powers appointed by the Government; but the action taken by them

[1] Such as personal relationships or close friendship with chiefs or notables who have a degree of authority accorded to them by the Government. Similar comparisons may be made between all the different tribal areas in Nuerland. I was struck by the contrast in this particular instance on a visit to the Nuong Nuer.

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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation.

Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost

[1] Branch and Main Courts. See Appendix II.

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certainly mean that he will be called upon to pay compensation and forced to comply. In the past there was no certainty that he would be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

We find, then, that the establishment of the courts, though in one sense preserving the social system from complete breakdown, is in another sense contributing to social maladjustment. Moreover the establishment of courts with powers of coercion behind them tends to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

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were often at feud with each other. Scarcity of food, an annual occurrence among the Nuer, made mutual assistance in the subsistence economy essential, and this in turn created mutual obligations and reciprocal duties which extended beyond the sphere of economics. Isolation during the rains, varying degrees of necessity to migrate during the dry season in search of pasture, and the variable quality of the grazing available affected the quality and cohesion of the community and its relations with other communities.

These factors are much modified today. The need for common defence or aggression is considerably less because of the intervention of the Government. The scarcity of food and the fear of famine is reduced because in the last resort the Government has, at any rate for the past fifteen years, arranged to import grain for sale to the Nuer, should it be necessary. Isolation at any time of the year is less complete since communications have improved. The integration of the territorial groupings of Nuer society is for these reasons much affected. Communities are essentially territorial in basis and integrated by common sentiments which naturally arise. Through them stretch the concept of patrilineal descent and ties arising from marital relationships. Any modification of the sanctions which uphold the balance of this social system leads to a conflict of loyalties and a tendency to revert to kinship ties alone, even though kinship ties are themselves loosened by the growing process of social disintegration. Fission is caused by the modification of those sanctions which make fusion necessary. In the past, as Professor Evans-Pritchard has pointed out, the latter process was a complement of the former. When a group broke away from its homeland or split owing to a feud within itself, unless the members were sufficiently numerous to retain their identity and resist external aggression, they had to find a place in society somewhere or suffer political or economic insecurity.

Nowadays, when security against the opposition of others and the need for economic insurance are no longer so acutely necessary, the process is confined to splitting into smaller units of segmentation. This is a fundamental tendency apparent in Nuer society today, and the political aspect of the process is manifest in the endless demands for further and yet further representation in the courts by headmen (*gaat tutni*) who are the leaders of smaller and smaller segments. Representation in the courts so that personal claims in legal disputes may receive personal backing is the real motive behind this tendency. Yet the factor of 'balanced opposition' is still evident in the procedure of Nuer tribunals. It is more particularly manifest when a joint meeting is held between tribes or secondary segments. The attitude of the chiefs in such circumstances is always 'if you settle these cases, we will settle those'. Thus, to take an example, a court meeting of the Thiang Bang (primary segment) may appear chaotic so long as

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disputes are confined to tertiary or lesser segments within it. A man of *cieng* Bedit (a secondary segment) will receive the backing of court members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

The spirit of compromise usually prevails. In disputes which are hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilizing factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition.

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them.

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration

[1] See p. 62. [2] See pp. 63 et seq.

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692 681 this was usually inflicted by the District Commissioner sitting as a magistrate, or by the court on the advice of the District Commissioner, this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 684 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially a private delict, becomes a public delict, and a criminal offence should the husband decide to dissolve the union subsequently. There is therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

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[1] See pp. 166–8.

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APPENDIX I

NUERLAND

Populations and Area

Central Nuer District

Tribe	*Humans*[1]	*Cattle*[2]	*Area in square miles*[3]	*Courts*
Lak	37,000	44,000*	1,500	
Gaawar	39,000	48,000*	5,120	11 (B) Regional Courts
Thiang	13,000	15,000*	970	1 (C) Main Court
Lou	63,000	126,000*	5,290	

Western Nuer District

Bul	32,000	50,000	2,320	
Leik	27,000	40,000	2,140	
Jagei	14,000	31,000*	1,220	5 (B) Regional Courts
Dok (and Aak)	21,000	35,000*	1,930	2 (C) Main Courts
Nuong (and Dur)	14,000	16,000	2,490	
W. Jikany	18,000	29,000*	1,100	

Eastern Nuer District

Gaajok	45,000	45,000	7,190	4 (B) Regional Courts
Gaajak	33,000	33,000		11 (A) Branch Courts
Totals	356,000	512,000	31,270	

[1] Based on recent tax-payer figures multiplied by 4·5 to nearest 1000 (1952). This multiplier is purely arbitrary and is probably high, but the figures given are consistent.

[2] Figures marked * are statistics taken from veterinary inoculation campaigns and represent a *minimum* figure. It is clear that all cattle were not counted, and possibly up to 20 per cent. should be added. Other figures are merely a rough estimate.

[3] Areas estimated by planimeter, but boundaries are not clearly demarcated or mapped and the areas are necessarily only approximate.

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APPENDIX II

CHIEFS' COURTS ORDINANCE 1931

●692 Nuer courts are established under the Chiefs' Courts Ordinance 1931, which applies to the three southern Provinces of the Sudan: the Bahr el Ghazal, Equatoria, and the Upper Nile. The Ordinance has been reprinted in full in *The Laws of the Sudan, Supplement to Volume 4*, pp. 76-81. It should be noted that this Ordinance has been altered by the terms of the Self Government Statute (1953), section 76, i.e.:

'(5) There shall be vested in the Chief Justice all the powers conferred upon the Governor-General . . . by . . . the Chiefs' Courts Ordinance 1931. . . .

(6) There shall further be vested in the Chief Justice all the powers conferred upon Governors by the Chiefs' Courts Ordinance 1931. . . . Provided that:

(*a*) the Chief Justice may delegate all or any of the said powers to the Governor concerned;

(*b*) the Chief Justice may delegate any power, other than the powers of establishing and convening Courts and of appointing Presidents and members of Courts, to the Judge of the Civil High Court of a Province;

(*c*) neither the Chief Justice nor a Judge of the Civil High Court shall exercise any of the said powers except after consultation with the Governor concerned.'

As a result of the various constitutional changes which will take place during the next few years, further modifications of the Ordinance may be expected.

Each court is established by warrant—under the hand of the Chief Justice—which lays down the jurisdiction, constitution, powers, etc., in accordance with the provisions of the Ordinance, but subject to the Regulations which accompany the warrant. A 'Main Court' has jurisdiction over a District or part of a District. For example, the Central Nuer Court has jurisdiction over all tribes in that district including a few small Dinka tribes. In Western Nuer District there are two Main Courts. A Main Court sits only occasionally, five members in addition to the president forming a quorum, of whom at least two must be presidents of Regional Courts or Magistrates under the Criminal Code of Procedure. There are then a series of 'Regional Courts' within each District. The area over which each Regional Court has jurisdiction corresponds to the territory of a tribe, an amalgamation of tribes, or in some cases the primary segments of a tribe, although the name of the Regional Court often derives from that of the place at which the court

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centre is situated. In some districts there are also 'Branch Courts' of more limited jurisdiction and powers.

Under section 7 (1) of the Chiefs' Courts Ordinance 1931:

'A Chief's Court shall administer—

(*a*) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order;

(*b*) the provisions of any ordinance which the Court may be authorised to administer in its warrant or regulations.'

Right of appeal is from the court to the District Commissioner or 'to such Chiefs' Courts as the Governor, with the consent of the Governor-General (now of the Chief Justice) may authorize to hear appeals'. In most cases appeals from Regional Courts go to a Main Court and only in very exceptional cases to the District Commissioner or higher authority.

Apart from the technicalities of the legal procedure, which the Nuer litigant so often ignores, a civil dispute of the kind already described usually follows a standard course. The dispute is first discussed within the local group or kinship circle and some attempt is made by the elders and headmen to settle it. Up to this point the dispute is *ruac cieng*, 'home talk'. Failing a settlement the plaintiff refers the case to a Branch or Regional Court and, if dissatisfied with the judgement, then appeals to the Main Court of the District.

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CENTRAL NUER DISTRICT COURTS

SCHEDULE I. 'B' COURTS (REVISED UP TO 1951)[1]

No. and Name	*President*	*Jurisdiction*	*Quorum*	*Powers*	*Appeal*	*Remarks*[2]
B.1 Wath Kec .	Head of Wath Kec L.G. Area	Wath Kec L.G. Area	President and 3 members	Imprisonment up to 2 years: Fine up to £E.25 —15 lashes; 10 strokes cane. Civil suits up to £E.100[3]	To 'C' Court	Lak Nuer: Jenyang Primary Segment
B.2 Fagwir .	Head of Fagwir L.G. Area	Fagwir L.G. Area .	,,	,,	,,	Lak Nuer: Kwacbor Primary Segment
B.3 Mareng .	Head of Mareng L.G. Area	Mareng L.G. Area .	,,	,,	,,	Thiang Nuer
B.4 Jumbiel .	Head of Jumbiel L.G. Area	Jumbiel L.G. Area .	,,	,,	,,	Gaawar Nuer: Those on Zeraf Island
B.5 Ayod (Awoi)	Head of Ayod L.G. Area	Ayod L.G. Area .	,,	,,	,,	Gaawar Nuer: Bar Primary Segment
B.6 Falagh .	Head of Falagh L.G. Area	Falagh L.G. Area .	,,	,,	,,	Gaawar Nuer: Radh Primary Segment
B.8 Thul . .	Head of Thul L.G. Area	Thul L.G. Area .	,,	,,	,,	Lou Nuer: Gun Primary Segment
B.9 Muot Tot (Fattai)	Head of Muot Tot L.G. Area	Muot Tot L.G. Area	,,	,,	,,	Lou Nuer: Gun Primary Segment
B.10 Ful Burra . (Yuai)	Head of Ful Burra L.G. Area	Ful Burra L.G. Area	,,	,,	,,	Lou Nuer: Gun Primary Segment
B.11 Faddoi .	Head of Faddoi L.G. Area	Faddoi L.G. Area .	,,	,,	,,	Lou Nuer: Mor Primary Segment

[1] Powers increased to three years' imprisonment in cases of homicide or recidivists in affray cases.

[2] Not included in warrant, but inserted to show the way in which the court system follows the segmentary structure of the tribes. Court B.7 includes only Dinka tribes and is omitted here.

[3] The schedule has been brought up to date up to the end of 1951. From time to time there have been alterations as and when Courts have been amalgamated.

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